

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TEDENEKILSH D. ZERHIOUN,

Debtor.

Case No.: 16-cv-4714-YGR

**ORDER DENYING APPELLANT'S MOTION FOR
EXTENSION OF TIME AS MOOT; DIRECTING
APPELLANT TO PERFECT RECORD**

Re: Dkt. No. 4

Appellant Tedenekilsh D. Zerhioun, proceeding *pro se*, moves for an extension of time to file her opening brief. (Dkt. No. 4.) Appellant misunderstands the timing of her obligation to file an opening brief. As advised in a notice from the Clerk of the Court (*see* Dkt. No. 2), before briefing can begin, the parties must first perfect the record. Because appellant's obligation to file an opening brief flows from this Court receiving a perfected record, appellant's opening brief is not yet due and her motion for extension of time to file her opening brief is **DENIED AS MOOT**.

Pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 8009(a)(4), the record on appeal *must* include the following:

- docket entries kept by the bankruptcy clerk;
- items designated by the parties;
- the notice of appeal;
- the judgment, order, or decree being appealed;
- any order granting leave to appeal;
- any opinion, findings of fact, and conclusions of law relating to the issues on appeal, including transcripts and oral rulings; and
- any statement of the evidence prepared by appellant where a transcript is unavailable.

Once the Bankruptcy Court has transmitted the perfected record, appellant shall file and serve her opening brief within thirty (30) days.

Appellant is reminded that FRBP 8014(a) dictates what must be included in appellant's brief. "The appellant's brief must contain the following under appropriate headings and in the order indicated:

- (1) a corporate disclosure statement, if required by Rule 8012;
- (2) a table of contents, with page references;
- (3) a table of authorities--cases (alphabetically arranged), statutes, and other authorities--with references to the pages of the brief where they are cited;
- (4) a jurisdictional statement, including:
 - (A) the basis for the bankruptcy court's subject-matter jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (B) the basis for the district court's or BAP's jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction;
 - (C) the filing dates establishing the timeliness of the appeal; and
 - (D) an assertion that the appeal is from a final judgment, order, or decree, or information establishing the district court's or BAP's jurisdiction on another basis;
- (5) a statement of the issues presented and, for each one, a concise statement of the applicable standard of appellate review;
- (6) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record;
- (7) a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings;
- (8) the argument, which must contain the appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies;
- (9) a short conclusion stating the precise relief sought; and
- (10) the certificate of compliance, if required by Rule 8015(a)(7) or (b).

Fed. R. Bankr. P. 8014(a).

In light of her *pro se* status, appellant may wish to seek assistance from the Legal Help Center, a free service of the Volunteer Legal Services Program, by calling 415.782.8982 or signing up for an appointment on the 4th Floor of the Oakland Courthouse, Room 470S. At the Legal Help Center, Appellant may speak with an attorney who may be able to provide basic legal help, but not legal representation. The Court also urges appellant to obtain a copy of the Pro Se Handbook, available

1 free of charge from the Court's website (www.cand.uscourts.gov) or in the Clerk's Office on the 4th
2 Floor of the United States District Court for the Northern District of California, Ronald V. Dellums
3 Federal Building, Oakland, CA.

4 **IT IS SO ORDERED.**

5 This Order terminates Docket Number 4.

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7 Dated: August 29, 2016

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9 YVONNE GONZALEZ ROGERS
10 UNITED STATES DISTRICT COURT JUDGE
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